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Robert Glenn Klinefelter

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KOPPEL, PATRICK & HEYBL
555 ST. CHARLES DRIVE
SUITE 107
THOUSAND OAKS, CA 91360

EXAMINER

OPSASNICK, MICHAEL N

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/057,131	Applicant(s) KLINEFELTER ET AL.	
	Examiner MICHAEL N. OPSASNICK	Art Unit 2626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 March 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3, 13-15, 18, 22-26 and 30-37 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 13-15, 18 and 22-26, 30-37 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 3/17/2008 has been entered.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 3 and 13 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. It is not clear how the means for receiving and transmitting audio and visual

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information dual displays and microphones would be constructed and function within a single housing.

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 3 and 13 recites the means for receiving and transmitting audio and visual information contained within a first user computer and a second user computer. There is insufficient antecedent basis for this limitation in the claim. It is not clear as to which computer the means resides. In claim one, there is a user computer and provider computer communication audio and visual information, with both users accessing the user computer, however, there is no mention of a second user computer interaction with the first user computer (just the provider computer in communication with the user computer). Although the first and second user computer is more clearly defined, there is no clear relationship between the user computer and the provider computer. Since it is unclear to the claim scope of claim 3 and 13, the examiner will not attempt to interpret this claim language for art related examination purposes.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are

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such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1,2,14,15,18,22-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Bennett (5926787) in view of Flores (6370498).

As per claims 1,22, Bennett (5926787) teaches a communications services network including multiple users/viewers(Fig. 1) receiving video information (Fig. 7) and audio translated information (col. 18 lines 18-25) wherein the users require interpretations to facilitate communication (col. 15 lines 24-44; the lawyers involved in the proceedings can request the area of case law that applies) comprising means for receiving and transmitting visual information between the provider computer and the user computer (Fig. 1,7, examiner notes that the interpreted information is available for both users on the screen -- Fig. 1, 7, 8 and col. 3 line 60 – col. 4 line 10).

As per claims 1,22, Bennett (5926787) does not explicitly teach the transmission of audio information as well (the optional speech input is translated using a speech recognizer and transmitted as text); however, Flores (6370498) teaches providing both text and audio in differing requested languages from original text (Fig. 4). Therefore, it would have been obvious to one of ordinary skill in the art of interpretative services to enhance the system as taught by Bennett (5926787) with text and audio translation at each individual computer because it would advantageously provide for multi-lingual use as determined by the user (Flores (6370498), col. 3 lines 45-49).

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As per claim 2, the combination of Bennett (5926787) in view of Flores (6370498) teaches plurality of users and audio and visual information (Bennett (5926787), fig 1), and in combination with Flores (6370498), the audio and visual information).

As per claims 14,15,18,23, the combination of Bennett (5926787) in view of Flores (6370498) teaches that the devices used are not limited to pc's (col. 8 lines 18-24, and networks for remote access – col. 18 lines 5-11).

As per claims 24-26, the combination of Bennett (5926787) in view of Flores (6370498) teaches the recording and visual presentation of the user/interpreter (Flores (6370498), fig. 5b, video1,2 information).

Claim Rejections - 35 USC § 102

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

9. Claims 30,31,36,37 are rejected under 35 U.S.C. 102(b) as being anticipated by Kasday et al (5680443).

As per claim 30, Kasday et al (5680443) teaches a communications system operable with a human interpreter to facilitate communication between 2 users (abstract, with the communications assistant as an interpreter) comprising:

“means for operating the provider computer...user defined request criteria” as a first user using a text telephone device (including pc, data terminal, etc. – col. 3 lines 14-19), one of the user requirements being (type of call, forwarding number, etc. -- col. 5 lines 1-5);

“means for operating the provider computer.....service criteria.....means for providing interpretation services.....to occur” as accessing the database storing a categorical list of possible matches, and then generating a message based on the preselected condition to the CA (call assistant), and then transmitted by the CA (call assistant).

As per claim 31, Kasday et al (5680443) teaches choosing the CA directory assistance information based upon the information in the directory assistance (col. 9 lines 22-39).

As per claim 36,37, Kasday et al (5680443) teaches keyboard (fig.1 subblock 30) and subgrouping based on auditory information - the CA choosing based upon the audio heard – col. 6 lines 32-60).

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 32-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kasday et al (5680443) in view of Engelke et al (6510206).

As per claims 32-35, Kasday et al (5680443) does not reveal in detail the type of wireless device and the communication service provider, however, Engelke et al (6510206) teaches the use of a personal interpreter over a wireless device (in particular, a cell phone – col. 4 lines 24-34). Therefore, it would have been obvious to one of ordinary skill in the art of providing interpreter services to modify the system of Kasday et al (5680443) to be used in a wireless device because it would advantageously provide portability of such services (Engelke et al (6510206), col. 4 lines 35-45). Examiner also notes that Engelke et al (6510206) also teaches portability of the services, including voice relay (col. 3 line 31 – col. 4 line 10, and fig.1,2 showing a device for recordation).

Response to Arguments

12. Applicant's arguments received 3/17/08 have been fully considered.

As per applicant's arguments against the 35 U.S.C. 112 1st paragraph (on page 7 line 17- page 8 line 4), examiner respectfully disagrees and notes that the rejection pertains predominantly of having dual screen, microphones and camera into a single housing. The arguments presented are toward the availability of mixed/multiple audio signals, however, the rejection is toward the claim scope pertaining to a housing that has a display on both sides of the housing. Applicants argue that the inventive step is the "concept" of having a dual display, however, there still does not exist in the specification toward how this is necessarily accomplished. Applicants argue and give examples of one of ordinary skill in the art of display technology to create this display, and examiner argues that such a presentation shows that these claim features are not a novel, inventive step.

Examiner further argues that the Bennett et al reference teaches both interpretative and translational services (the disclosed CAT – computer aided transcription), along with language translation (abstract). Furthermore, Bennett et al teaches an interpretative transcription service that is an improvement over traditional interpretative services (col. 2 line 44 - col. 3 line 5). In other words, Bennett teaches both an improved automated transcription/interpretative service, along with more traditional interpretative services; wherein both disclosures meet the current claim scope. As to applicant's arguments toward "the complex process of interpretation and translation of human communications that are effectuated through a combination of audio and visual cues", examiner argues that 1) Bennett discloses older systems that use such interpretations – col. 2 line 44 – col. 3 line 5; 2) Bennett discloses an improved interpretative service to counteract miscommunication/misunderstanding between such translations by automating, to a degree, the amount of interpretation – col. 5 lines 1-20 – the automated portion

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of Bennett overcomes possible misinterpretation of the court stenographer (interpreter) by offering visual feedback – col. 5 lines 30-45); 3) Bennett discloses “translation” – col. 13 lines 30 – col. 14 line 27; as well as interpretation – the CAT offers an interpretation of the input by the court stenographer – col. 6 lines 1-25). As per the arguments on page 10 of the response, Bennett offers users an interpretation, especially when a different language is required (col. 13 and 14). As per applicant’s arguments on the bottom of page 10, examiner reiterates the features of Bennett wherein the output is an interpretation/translation of input by the court stenographer (which is an interpretation itself) and furthermore, applicant is arguing features (word meaning explanation, translation, personal understanding, etc.) that are not claimed. In the amended claims, the human interpreter aspect of claim 1 has no patentable weight since it is not reinforced in the body of the claim. As per applicant’s arguments against a plurality of interpreters, examiner argues that Bennett (and Bennett in view of Flores) provides multiple interpreters/translators based upon the desired language output. Bennett also does not limit the type of device containing the software for voice input (col. 18 lines 18-24), as well as applicant’s own disclosure of prior art (as an example, Galludet’s use of TAP on cellular devices). As per applicants arguments against claim 25 (on the bottom of page 12 of the response), examiner disagrees and points to the same Fig. 5b, video 1 and video 2, wherein Flores explicitly teaches in the accompanying col. 7 lines 13-41, wherein the image of the interpreter is provided with the accompanying text.

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Conclusion

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Please see related art listed on the PTO-892 form. Also note He (5841852) teaching the selection of an operator based upon the language chosen by the user.

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Opsasnick, telephone number (571)272-7623, who is available Tuesday-Thursday, 9am-4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Richemond Dorvil, can be reached at (571)272-7602. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Michael N. Opsasnick/
Primary Examiner, Art Unit 2626
5/26/08